



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE LANDS AND FORESTRY

Mark File

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Richard J. Mitchell
Division Director

Northern Region
355 West North Temple
3 Triad Center, Suite 320
Salt Lake City, Utah 84180-1203
801-538-5387

August 28, 1992

CERTIFIED MAIL

Harold Marston
Jay Pagano Estate
PO Box 136
Wellington, Utah 84542

**Re: Notification of TRESPASS on State lands.
Required easement application for road located in
Sec. 36, T15S, R11E, SLB&M, Carbon County.**

Dear Harold:

You said last month that you would come in and make application for the above-referenced road located on State lands, which leads to your clay mining operation on adjacent private lands. As of today, I still haven't heard from you.

You indicated that the road in question has been an existing road, but the maps I have show that the only existing road in the section is the one that parallels the railroad tracks. Even that road doesn't have a recorded easement, but I understand it will be included in the county's easement application which is to be submitted at a later date. The road leading from the recognized existing road to your land (about 3,100 feet) may have been a small existing road; however, when I inspected the road this summer, I verified that the road has been widened during this past year. Even if this was a small unauthorized road from year's past, the widening and subsequent and continued use of the road for commercial purposes constitutes a trespass on State lands.

When we discovered your use of the road this past May, we requested that you make application for an easement immediately and before the road was further used. This has not been done, yet shortly thereafter, we personally observed use of the road by personnel from your mining operation to haul clay with from your pit with several large semi-trucks. This has become a trespass which must be resolved immediately. **USE OF THE ROAD FOR HAULING SHOULD CEASE** until you have written permission from the Division to use the road.

Letter to Harold Marsden
August 28, 1992
Page 2

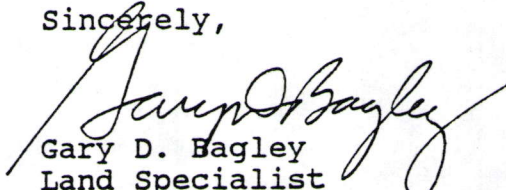
To begin the process to remedy the trespass you must submit:

- 1) Easement application. This should include a legal description and a map. This must be accompanied by a \$50.00 application fee.
- 2) Easement and trespass fees. I am estimating the length of the road spur on State land to be 3,135 feet (190 rods). Currently, our per rod rate for an existing road is \$5.00 per rod for a 30 year easement. State statute requires that we charge treble damages for trespass. Based on the estimated length of 190 rods, I have computed the following easement fee, which includes the trespass damages:

190 rods X \$5.00 = \$950.00; \$950.00 X 3 = \$2,850.00.

This amount along with the application needs to be submitted to our office within 30 days of the date of this letter.

Sincerely,


Gary D. Bagley
Land Specialist

GDB/dw

Enclosure

cc: Dick Buehler
Law Enforcement Coordinator
✓ Holland Sheppard - DOGM